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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
NEWLIN, TIMOTHY R				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/542,445

Applicant(s)

GILLARD ET AL.

Examiner

Timothy R. Newlin

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

First, Applicant argues that the cameras in White do not themselves launch low resolution video data on to a network because the low resolution data is generated by the server 110. Examiner disagrees with this interpretation, as explained below.

As cited by Applicant in the response, the specification states that the A/V sources are connected to the network via interface cards that generate the low-resolution data stream. Claim 1 itself recites a "video source", which in light of the specification comprises the camera itself and the video card that generates the low resolution data stream. White reads on the claimed video source because the cameras 300, in concert with unit 301, constitute a video source that launches both high and low resolution data on to the network.

Even if the claimed "video source" was limited to the cameras 300, claim 1 broadly construed does not distinguish over White. The cameras in White read on the video source, and ultimately, *all* of the video data originates at the camera, including both the low resolution and high resolution streams. Unit 301 of White is not the source of the video data but merely "edits" the image streams rather than generating them originally [para. 25].

Applicant next argues that White does not teach or suggest a "video network" or a "network switch" as recited in claim 1. The claimed network switch "selectively

route[s] the data from the video sources to the at least one destination device." White discloses a stream control unit 302 that performs switching to route selected streams to the destination display [para. 25]. Applicant contrasts the claimed network switch with the server 401; however, White is not limited to the embodiment in which server 401 corresponds to stream control unit 302 [para. 28].

Based on the portions of White cited above, the rejections stand as originally made.

The Applicants also traverse the Official Notice taken to support the rejection of claims 7, 8, and 15; however, the traversal is not adequate. Under MPEP 2144.03.C, to adequately traverse Official Notice, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. Applicant's response does not offer any explanation of why user-operable buttons, drag-and-drop GUI, or the use of a video tape recorder is not common knowledge to one skilled in the art of video distribution. Instead, it merely asserts the impossibility of concluding that these features are obvious, and states that their context "*might* itself provide reasons to rebut a *prima facie* case of obviousness." (emphasis added). Given the absence of articulated reasons why the noticed facts were not well-known, or an explicit demand for authority, the traversal is inadequate and the rejections stand.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5, 12, 14, 16, 20, and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by White et al., US 2002/0049979.

3. Regarding claims 1, 20, and 22, White discloses a video network and method comprising:

a plurality of video sources to launch onto the network first, higher resolution, video data and second, lower resolution, video data providing a lower resolution representation of the higher resolution video data **[Figs. 1 and 3, paras. 23 and 24; also see server 401, Figs. 4A and 4B, paras. 33-35, para. 47]];**

at least one destination device operable to process video received via the network **[Figs. 2 and 3 show a client device that processes received video with viewer software, para. 25];**

a network switch for selectively routing data from the video sources to the destination devices **[stream control system 302, Fig. 3, para. 25];** and

a network control arrangement connected to the network switch and having:

a display device **[display 304, Fig. 3]**;

a graphical user interface (GUI) arranged to display, on the display device, the lower resolution representations of video data from at least a subset of the plurality of sources together with identifiers associating the lower resolution representations with the respective sources **[Figs. 2 and 11A]**;

means for user selection, by use of the GUI, of a source of video of the higher resolution and a corresponding destination device **[paras. 25 and 28]**; and

means for controlling the routing of the higher resolution video data from the selected video source to the selected destination device **[paras. 27, 47]**.

4. Regarding claim 2, White discloses a network in which the network control arrangement comprises a personal computer **[Fig. 3C, para. 36]**.

5. Regarding claim 3, White discloses a network in which the display device is arranged to display a plurality of display areas, each display area displaying the lower resolution representation from a respective video source, together with the associated identifier **[Figs. 2, 9, and 11A, paras. 23, 27]**.

6. Regarding claim 4, White discloses a network in which the GUI provides one or more user-operable switches, identified by the identifiers, for selecting a destination device to be connected to a selected video source **[paras. 24, 28, 47]**.

7. Regarding claim 5, White discloses a network in which the network control arrangement comprises a user input device for selecting display screen areas and the user operable switches are display screen areas selectable by the user input device **[Fig. 3, para. 25]**.

8. Regarding claim 12, White discloses a network according to claim 1, comprising a plurality of destination devices **[plural end users are shown in Fig. 7]**.

9. Regarding claim 14, White discloses a network in which at least one destination device comprises a video display device **[realplayer component 424, Fig. 4C is used to play video on client device]**.

10. Regarding claim 16, White discloses a network in which at least one video source comprises a video camera **[Fig. 1]**.

11. Regarding claim 21, White discloses a network control arrangement comprising a display device **[display 304, Fig. 3; Figs. 2, 9, and 11A]**.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over White as cited above.

14. Regarding claims 7 and 8, White does not specifically describe a user-operable button or a drag-and-drop operation to select video sources. However, official notice is taken that using buttons, i.e. a keyboard input, is well-known and common manner in which to provide user input in computer video systems. Likewise, using a mouse—such as the mouse implicitly described in paragraph 28—to drag-and-drop selections is notoriously well-known with respect to graphical user interfaces. It would have been obvious to one skilled in the art to provide user-operable keys or drag-and-drop functionality for the user to quickly and easily select displayed options.

15. Regarding claim 15, White does not specifically teach a video tape recorder. However, White does state that the presentation source could be a storage device such as a disk. Official notice is taken that video tape is a well-known method of storing video and as such, does not distinguish the claim over the prior art. It would have been obvious to one skilled in the art, given the suggestion by White that content may be sourced from a storage medium, to include a video tape recorder as a video source.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over White as cited above in view of Gormley, US 5,258,837. White does not include a touch-screen. Gormley does teach a touch-sensitive display screen wherein the user operable switches are display screen areas selectable by the user touching those display screen areas **[col. 4, 36-43]**. It would have been obvious to one of ordinary skill in the art to modify White to include the touch screen discloses in Gormley, in order to allow users to make selections using a standalone display, without the need for a keyboard or mouse.

17. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over White as cited above in view of Washino, US 5,625,410. White does not show a video switching device. Washino does disclose a video distribution platform in which at least one destination device comprises a video switching device **[video switch 6, Fig. 7]**. Both references take as input several video streams and combine and distribute them. It would have been obvious to one skilled in the art to combine White and Washino, in order to provide users the ability to selectively switch between multiple incoming video streams.

18. Claims 9-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over White as cited above in view of Atwater et al., US 2002/0048275.

19. Regarding claims 9 and 10, White does not discuss the use of multicast groups. Atwater does teach a packet-based network **[paras. 36-42]** in which the video sources are associated with different respective multicast groups **[paras. 43, 44]**. Furthermore, Atwater states that when communicating via the internet, as White does **[e.g. para. 32 of White]**, there is a need to address quality-of-service (QoS) issues such as channel bandwidth and response times. Given that stated need and the fact that White is transmitting both a high- and a lower-quality versions of the same content, it would have been obvious to one skilled in the art that multicast groups could be set up corresponding which clients are requesting the low- or high-resolution versions respectively. In this manner, fewer servers can be used since each one transmits a specific version to many clients **[also see Atwater, paras. 40 and 42]**.

20. Regarding claim 11, Atwater discloses a network in which the network control arrangement controls routing from a selected video source to a selected destination device by sending a message to the destination device to cause the destination device to join the multicast group of the selected source **[para. 44]**.

21. Regarding claim 17, White discloses a GUI that displays representations of video streams that are being received by user devices **[paras. 58-60; Fig. 9]**, but does not

display status information on the GUI. However, Atwater does teach a network in which at least one of the video sources and/or destination devices is arranged to launch status packets providing device status information onto the network **[hosts and routers exchange current status reports via the network, para. 44]**.

Combining the respective elements of White and Atwater by known methods would yield the expected result of displaying such status information in association with a representation of that device on the GUI. Accordingly, it would have been obvious to one of ordinary skill to make the combination and provide status information to a user interacting with the GUI.

22. Regarding claim 18, White discloses a network in which the GUI provides user controls to control the operation of at least one of the video sources and/or destination devices **[para. 25, Fig. 3; control system 302]**. Atwater discloses a network control arrangement operable to transmit control packets providing control information to such a device **[hosts and routers exchange control information via the network, para. 44]**.

23. Regarding claim 19, White discloses a network in which the network control arrangement is arranged to provide access to different respective subsets of representations and/or control functionality to different users of the network **[paras. 25-28, e.g.]**.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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TRN